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Dated: August 18, 2004

Signature: Shawn P. Foley
(Shawn P. Foley)

Docket No.:
CELLTH 3.0-003 CONT CONT XVI
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Warrell et al.

Application No.: 10/759,290

Group Art Unit: 1616

Filed: January 16, 2004

Examiner: A. N. Pryor

For: PROCESS FOR PRODUCING ARSENIC
TRIOXIDE FORMULATIONS AND
METHODS FOR TREATING CANCER USING
ARSENIC TRIOXIDE OR MELARSOPROL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONSIDERATION OF INFORMATION UNDER 37 CFR § 1.97 (C)

Dear Sir:

It is respectfully requested that the references cited in the enclosed form be considered pursuant to 37 C.F.R. § 1.97(c). Please charge Deposit Account No. 12-1095 in the amount of \$180.00 pursuant to 37 C.F.R. § 1.17(p). In the event that any additional fee is due in connection with the present request, the same should be charged to our Deposit Account No. 12-1095.

Dated: August 18, 2004

Respectfully submitted,

By Shawn P. Foley
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LERNER, DAVID, LITTENBERG,
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INFORMATION DISCLOSURE STATEMENT

Dear Sir:

It is respectfully requested that the references listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. A copy of each reference was of record in United States Patent 6,723,351, the benefit of which is claimed under §120. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited references are legally available prior art or that the same are pertinent or material.

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08/25/2004 GWORDOF1 00000017 121095 10759290

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/759,290
				Filing Date	January 16, 2004
				First Named Inventor	Raymond P. Warrell, Jr.
				Art Unit	1616
				Examiner Name	A. N. Pryor
Sheet	1	of	5	Attorney Docket Number	CELLTH 3.0-003 CONT CONT XVI

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA**	US-132,275-B1	10-15-1872	Gettings	
	AB**	US-232,807	10-05-1886	Dennett	
	AC**	US-3,700,498	10-24-1972	Kanazawa et al.	
	AD**	US-4,497,780	02-05-1985	Barin et al.	
	AE**	US-5,759,837	06-02-1998	Kuhajda et al.	
	AF**	US-2002/0183385	12-05-2002	Ellison et al.	
	AG**	US-6,720,011	04-13-2004	Zhang, Ting-Dong	
	AH**	US-6,770,304	08-03-2004	Warrell et al.	
	AI**	US-2003/0099719	05/2003	Warrell et al.	
	AJ**	US-6,723,351	04-20-2004	Warrell et al.	
	AK**	US-6,773,792	05-11-2004	Lu	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	BA	JP-51-88620	03-08-1976			
	BB	WO-95/01789	01-19-1995			
	BC	CN-1133725	10-23-1996			
	BD	CN-1131037	09-18-1996			
	BE	CN-1122700	05-22-1996			
	BF	CN-1081104	01-26-1994			
	BG	CN-1119113	03-27-1996			
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	BI	CN-1121807	05-08-1996			
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	BL	FR-2 539 993	03-31-1994			
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	BN	WO-95/22336	08-24-1995			
	BO	LV-11667	06-20-1997			
	BP	WO-94/02108	02-03-1994			

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	CUTLER et al., Article IV, American Journal of the Medical Sciences, pp. 74-84, January 1878	
	CB	FORKNER et al., "Arsenic as a therapeutic agent in chronic myelogeneous leukemia", Jour.	

Examiner Signature		Date Considered	
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Sheet	2	of	5	Attorney Docket Number	CELLTH 3.0-003 CONT CONT XVI

		A.M.A. 97(1):3-5, 1931	
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	CG	MONFARDINI et al., "Survival in chronic myelogenous leukemia: influence of treatment and extent of disease at diagnosis", Cancer 31: 492-501, 1973	
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	CT	SUN, HONGDE et al., "32 Cases of Acute Early Granulocytic Leukemia Treated with Ai-Ling No. 1 in Combination with Chinese Medical Practice of Pattern Identification", Zhongguo Zhongxiyi Jiehe Zazhi, Vol. 12(3), 170-171, 1992	
	CU	PENG, ZHANG et al., "Treatment of Acute Promyelocyte Leukemia with Intravenous Arsenic Trioxide", Chinese Journal of Hematology, Vol. 17, Translation, February 1996	
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	CA1	AKAO et al., "Arsenic Induces Apoptosis in B-cell Leukemic Cell Lines in Vitro: Activation of Caspases and Down-regulation of Bcl-2 Protein", British J of Hematology, 102, 1055-1060, 1998 ©Blackwell Science Ltd.	
	CB1	ANDRE et al., "The PML and PML/RAR α Domains: From Autoimmunity to Molecular Oncology and From Retinoic Acid to Arsenic", Experimental Cell Research, 229:253-260, 1996 ©Academic Press, Inc. 1996	
	CC1	Chemical Abstract, 63-Pharmaceuticals 11:317, 111:219272j and 111:219276p, 1987-1991	

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Substitute for form 1449A/B/PTO <h2 style="margin: 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="margin: 5px 0 0 40px;"><i>(Use as many sheets as necessary)</i></p>				Complete if Known	
				Application Number	10/759,290
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				First Named Inventor	Raymond P. Warrell, Jr.
				Art Unit	1616
				Examiner Name	A. N. Pryor
				Attorney Docket Number	CELLTH 3.0-003 CONT CONT XVI
Sheet	3	of	5		

CD1		CHEN et al., "In Vitro Studies on Cellular and Molecular Mechanisms of Arsenic Trioxide (As ₂ O ₃) in the Treatment of Acute Promyelocytic Leukemia: As ₂ O ₃ induces NB ₄ Cell Apoptosis with Down Regulation of Bcl-2 Expression and Modulation of PML-RAR α /PML proteins", Blood 88(3): 1052-1061, Aug. 1996. ©American Society of Hematology 1996	
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CQ1		MERVIS, "Ancient Remedy Performs New Tricks", Science 273:578, 1996	
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CW1		SOIGNET et al., "Complete Remission after Treatment of Acute Promyelocytic Leukemia with Arsenic Trioxide", J of Medicine 339:19, 1998. ©Massachusetts Medical Society 1998	
CX1		TRELEAVEN et al., "Arsenic and Ayurveda", Leukemia and Lymphoma, 10:343-345, 1993	
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Sheet	4	of	5		

	CB2	YUAN et al., "Research on Traditional Methods for Purifying Realgar", Chung Yao Tung Pao, 13(8):23-26, 1988	
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	CD2	ZHANG et al., "Traditional Chinese and Western Medicine in the Treatment of 27 Patients with Malignant Lymphoma," Chinese J. Oncology, 10:61-62, 1988	
	CE2	ZHANG et al., "Treatment of Acute Promyelocytic Leukemia with "713": Clinical Observations and Study of Action Mode on 117 patients", J. Harbin Medical Univ. 29(3):243, 1995	
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	CK2	WANG et al., "Arsenic and the Treatment of Leukemia", J Harbin Medical Univ., vol. 31, No. 5, Oct. 1997	
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	CN2	FREIRICH et al., "Quantitative Comparison of Toxicity of Anticancer Agents in Mouse, Rat, Hamster, Dog, Monkey and Man", Cancer Chemotherapy Reports, 50:219-244 (1966)	
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	CR2	ZHANG et al., "Pathologic, Cytogenetic and Molecular Assessment of Acute Promyelocytic Leukemia Patients Treated with Arsenic Trioxide (As ₂ O ₃)", Modern Pathology; (2000); pp. 954-961	
	CS2	WESTERVELT et al.; "Sudden Death Among Patients with Acute Promyelocytic Leukemia Treated with Arsenic Trioxide"; Blood (2001); vol. 98, No. 2, pp. 266-271.	
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